

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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HOWARD CHAFLIN and ICONOCLAST  
ADVISORS LLC,

Plaintiffs,

**Civil Action Case No.: 24-cv-4768**

v.

**Before: Hon. Katherine Polk Failla**

GO BIG SOLAR LLC and DAVID COX,

Defendant.

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<b>MEMO ENDORSED</b>
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**NOTICE OF DEFENDANTS GO BIG SOLAR LLC AND DAVID COX MOTION TO  
DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION, PERSONAL  
JURISDICTION, IMPROPER VENUE, AND FAILURE TO STATE A CLAIM UPON  
WHICH RELIEF CAN BE GRANTED**

PLEASE TAKE NOTICE that upon all pleadings and proceedings in this case, Defendant will move this Court, before the Honorable Katherine Polk Failla, United States District Judge, at the United States Courthouse for the Southern District of New York, for an order to dismiss pursuant to Fed. R. Civ. P. 12(b)(1), and 12(b)(2), 12(b)(3), and 12(b)(6) for lack of subject matter jurisdiction and lack of personal jurisdiction, improper venue, and failure to state a claim upon which relief can be granted, and granting such other and further relief as this Court deems just and proper.

Dated: September 9, 2024

By: /s/ Damon A. Hagan  
Damon A. Hagan, Esq.  
Law Office of Damon A. Hagan, Esq.  
8 Harbor Lane  
East Quogue, NY 11942  
Telephone: (631)-594-2051  
Facsimile: (631)-614-3640  
Damon@damonhagan.com  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

The undersigned certifies that the Pro Se Plaintiffs have filed a Consent to Electronic Service on July 9, 2024 are being served via email and ECF service on September 9, 2024.

Dated: September 9, 2024

By: /s/ Damon A. Hagan  
Damon A. Hagan, Esq.  
Law Office of Damon A. Hagan, Esq.  
8 Harbor Lane  
East Quogue, NY 11942  
Telephone: (631)-594-2051  
Facsimile: (631)-614-3640  
Damon@damonhagan.com  
Attorneys for Defendants

The Court is in receipt of Defendants' motion to dismiss which was filed *sua sponte* in contravention of Rule 4 of the Court's Individual Rules of Practice in Civil Cases. (See Dkt. #10). Defendants are instructed to comply with Rule 4 and submit a pre-motion letter, no longer than three pages in length, requesting leave to file a motion to dismiss on or before **September 30, 2024**. Plaintiff is instructed to file a letter response of no more than three pages in length on or before **October 14, 2024**.

The Court will hold a pre-motion conference to discuss Defendants' contemplated motion to dismiss on or before **November 7, 2024**, at **11:00 a.m.** The conference will be telephonic. The dial-in information is as follows: On November 7, 2024, at 11:00 a.m., the parties shall call (888) 363-4749 and enter access code 5123533.

Finally, Plaintiffs are advised, once again, that if Iconoclast Advisors LLC wishes to continue with this case, the Court will expect counsel for the LLC to file a notice of appearance promptly.

The Clerk of Court is directed to terminate the pending motion at docket number 10.

Dated: September 11, 2024  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE